

REMARKS

The present application has been reviewed in light of the Office Action dated October 14, 2008. Claims 1-5 and 15 are presented for examination, with Claim 1 being in independent form. Claim 1 has been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Claims 1-5 and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claim 1 as deemed necessary to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 4 of the Office Action. It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 2, and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appln. Pub. No. 2003/0163343 (*Meiser et al.*); Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Meiser et al.*, in view of "Two Thumbs Up for Card Placement," author unknown, Credit Card Management, May 1993 (*Card Placement*); and Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Meiser et al.*, in view of "Agent Offers One-Stop TV Production," Bill Carter, March 11, 2002, New York times, Late Edition (*Carter*). Applicants respectfully traverse these rejections and submit that independent Claim 1, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Important features of Claim 1 include "a media source configured to broadcast . . . a show having a storyline related to a business operation . . . , the storyline

including a predetermined issue related to said business operation,” “an interface configured to accept from a participant input including . . . a proposed solution incorporating a product of a sponsor and corresponding to said predetermined issue related to said business operation,” and “a processor constructed to select at least one proposed solution . . . and incorporate said at least one proposed solution into said storyline.” By virtue of these features, viewers of a show can see a product used in solving real-world business issues. This provides more effective marketing by convincing viewers of the actual real-world practicality and usefulness of the product. In addition, by soliciting proposed solutions to an issue from multiple participants (*e.g.*, viewers, other business owners, etc.), the number of different proposed solutions is increased enabling more effective marketing and/or targeting of consumers.

Meiser et al., as best understood by Applicants, relates to a method for eliciting a response to an electronic campaign. Electronic content is transmitted over a network and the effectiveness of transmitting the content is determined by identifying consumer responses to the content. The electronic campaign is dynamically modified according to the determined effectiveness of the campaign and the available network capacity.

Initially, the Office Action cites *Meiser et al.* at Figure 1 and paragraph [0014] as disclosing “a media source configured to broadcast via a first marketing channel a show having a storyline related to a business operation,” as recited in Claim 1. Applicants respectfully disagree. Paragraph [0014] of *Meiser et al.* states, in pertinent part, “[t]he system can include at least one delivery application configured to format electronic content and transmit the electronic content to consumers over a computer communications

network.” This section of *Meiser et al.*, however, merely discloses the delivery of electronic marketing content in general, and cannot reasonably be interpreted to disclose “a media source configured to broadcast via a first marketing channel a show having a storyline related to a business operation having an owner.” Indeed, Applicants have found no mention of a show, a storyline, or a business operation in this section or anywhere in *Meiser et al.*

In addition, the Office Action cites *Meiser et al.* at paragraph [0031] as disclosing “an interface configured to accept from a participant input including . . . a proposed solution incorporating a product of a sponsor and corresponding to said predetermined issue related to said business operation,” as recited in Claim 1. Again, Applicants respectfully disagree. Paragraph [0031] of *Meiser et al.* discusses transmitting multiple distinct e-marketing messages to consumers and selecting, based on consumer responses, one of the messages for all future transmissions. Unlike the “interface” of Claim 1, which allows participants to propose solutions to the marketing system, in the *Meiser et al.* system, solutions are proposed to the participant (consumer). That is, the e-marketing system sends proposed marketing slogans to consumers (*e.g.*, “Product A is great,” “Product A is good,” etc.) and based on consumer responses one of the slogans is chosen for all future transmissions. Because *Meiser et al.* fails to accept solutions proposed by participants, the realm of possible solutions is limited by the those proposed by the e-marketing system. This is in stark contrast to the system of Claim 1, which accepts proposed solutions from participants and thus is not limited to solutions proposed by the marketing system.

Finally, the Office Action cites *Meiser et al.* at paragraph [0031] as disclosing “a processor constructed to select at least one proposed solution . . . and incorporate said at least one proposed solution into said storyline,” as recited in Claim 1. Applicants disagree. As stated above, since *Meiser et al.* fails to disclose accepting proposed solutions from participants, Applicants submit that it cannot be said to disclose selecting one of these proposed solutions for use in a storyline.

Nothing has been found in *Meiser et al.* that is believed to teach, suggest, or otherwise result in “a media source configured to broadcast . . . a show having a storyline related to a business operation . . . , the storyline including a predetermined issue related to said business operation,” “an interface configured to accept from a participant input including . . . a proposed solution incorporating a product of a sponsor and corresponding to said predetermined issue related to said business operation,” and “a processor constructed to select at least one proposed solution . . . and incorporate said at least one proposed solution into said storyline,” as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is not anticipated by *Meiser et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

The other rejected claims in this application depend from independent Claim 1 discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2604499_1